

NOTES:

The HSG analysis of SB 325 appeared in the May 19 Daily Floor Report.

The Sesquicentennial Museum Board will be phased out as of Aug. 31, 1983.

Compensation for removal of billboards
(SB 367, by Sharp)

DIGEST:

The bill would have prohibited local ordinances requiring the removal or prohibiting the use, maintenance, or improvement of outdoor advertising without compensation, if the advertising complied with applicable law when erected. Local governments would have had to pay "just compensation" to the owner of the advertising and to the owner of lessee of the property on which it was located, "under the standards applicable to payment for taking by eminent domain."

GOVERNOR'S
REASONS
FOR VETO:

The Governor said the bill would have placed an unacceptable constraint on municipal ordinance-making power. "The bill establishes a serious and far-reaching precedent which... is clearly contrary to the public interest."

Houston, Dallas, and Lubbock have ordinances that do not require compensation for owners of outdoor advertising designated for removal; instead they use the concept of "amortization," under which owners are allowed to continue using their signs or billboards for a period of time before removing them. The Governor said state and federal courts have upheld the local billboard ordinances this bill would have overturned.

SPONSOR'S
VIEW:

Sen. Sharp predicted the local billboard ordinances that would have been overturned by this bill will be successfully challenged in federal court, as he said had already happened with a similar ordinance in San Francisco. He said a judge in Dallas told all parties that the Dallas ordinance is unconstitutional, on the grounds that it involves a taking of property without just compensation.

SPONSOR'S
VIEW
(cont'd):

Sharp said, "I don't like billboards either, but I also don't like unpainted houses. Would that make it right to require them to be torn down without compensation? Some billboards are worth upwards of \$250,000--for example, the flying red horse on top of the Mobil building in Dallas, which is nonconforming under the Dallas ordinance." With Houston Mayor Kathy Whitmire supporting the veto, Sharp said, "I suspect politics got the better hand over fairness."

NOTES: The HSG analysis of HB 661, by Messer, the companion to SB 367, appeared in the May 4 Daily Floor Report.

Purchase of right-of-way
(SB 369, by Williams)

DIGEST:

Under current law, if the state wants to acquire right-of-way for a state or U.S. highway, the Texas Highway Department directs a city or county to purchase the land. Once the land is bought and the title transferred to the state, the state reimburses the city or county 90 percent of the purchase price. SB 369 would have permitted cities and counties to execute a contract of sale, on the state's behalf, for purchase of right-of-way. Upon receipt of the contract of sale, the state would have put up 100 percent of the purchase price and the city or county would have purchased the land. When title was transferred to the state, the city or county would pay the state its 10 percent share. The bill would have extended this practice to the purchase of right-of-way for farm-to-market roads.